

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 21 1995

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments
FM Broadcast Station
(Lakeview, Arkansas)

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)
)
)
)
)

MM Docket No. 95-96
RM-8645

TO: Chief, Allocations Branch
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

COMMENTS AND COUNTERPROPOSAL OF J. MORGAN DOWDY

J. Morgan Dowdy ("Dowdy"), an individual who has ownership interests in Stations KPFM(FM) and KKTZ(FM), Mountain Home, Arkansas, as well as other radio stations, hereby files his comments and a counterproposal to the Notice of Proposed Rule Making ("NPRM"), DA95-1301, released in this proceeding June 29, 1995.

1. The NPRM requests comments on a proposal to allot Channel 228C3 to Lakeview, Arkansas. Dowdy respectfully submits that the mandate of 47 U.S.C. §307(b) will be better served by the allotment of Channel 228A to Seymour, Missouri. Seymour is located about 56 miles northwest of Lakeview, and thus Dowdy's counterproposal is mutually exclusive with allotment of Channel 228C3 to Lakeview under the Commission's mileage separation rules.¹ As demonstrated in the attached Engineering Exhibit, Channel 228A can

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¹ The distance between the transmitter site for the Lakeview allotment proposed in the NPRM and the transmitter site proposed in the attached Engineering Exhibit supporting Dowdy's counterproposal is 71.74 Km, while the Commission's mileage separation rules require a distance of 142 Km between co-channel Class A and Class C3 stations. Eng. Ex. p. 4.

be allotted to Seymour at a transmitter site which will meet all of the mileage separation and city grade coverage requirements of the Commission's rules.²

2. Dowdy represents that in the event the Commission allots Channel 228A to Seymour, Missouri, he will immediately file an application for a construction permit for a new FM radio station on the channel, and upon grant of the application will construct a new FM station at Seymour.

3. Dowdy's proposed allotment of Channel 228A to Seymour is clearly a superior proposal to the Channel 228C3 allotment to Lakeview contained in the NPRM. Neither proposal would provide service to areas or populations which now receive fewer than 5 services from existing stations. Eng. Ex., p. 4. While both proposals would bring a first local aural service to their respective communities, Seymour, with a population of 1636, is more than three times larger than Lakeview which has a population of only 485. Eng. Ex. p. 3. Seymour is truly an independent community with its own local government, police and fire department, schools, parks, post office, bank, city owned utilities, and local industries. See the attached Seymour Community Profile, prepared by the Missouri Department of Economic Development in February of 1994. Lakeview, on the other hand, while

² Allotment of Channel 228A to Seymour would require a change in the coordinates now specified for Channel 228C3 at Osage Beach, Missouri, in MM Docket No. 90-66. However, allotment of Channel 228C3 to Osage Beach to permit an upgrade of existing station KYLC has not become final and no construction has been commenced at the reserved coordinates. Thus, the site specified in MM Docket No. 90-66 for the Channel 228C3 allotment is merely a preferred site which can be amended by the Commission if other sites appear to be suitable. There is a large area in which a Channel 228C3 station at Osage Beach could be constructed so as to provide city grade service to Osage Beach without being short-spaced to the Seymour Channel 228A allotment proposed herein. Eng. Ex., p. 2.

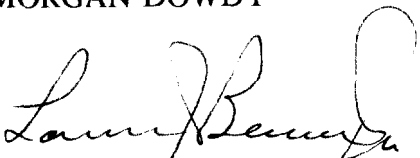
incorporated, appears to have few other indicia of a true community. In short, Seymour is much more in need of its first local radio service than Lakeview.

4. Accordingly, the Commission is respectfully requested to deny the allotment of Channel 228C3 to Lakeview, as proposed the NPRM, and, in lien thereof, amend 47 C.F.R. § 73-202(b), FM Table of allotments, as follows:

<u>City</u>	<u>Channel No.</u> <u>Present</u>	<u>Proposed</u>
Seymour, MO	—	228A

Respectfully submitted,

J. MORGAN DOWDY

By: 
Lawrence J. Bernard, Jr.
5224 Chevy Chase Parkway, N.W.

J. MORGAN DOWDY
SEYMOUR, MISSOURI

ENGINEERING EXHIBIT

August 1995

William Culpepper & Associates, Inc.
900 Jefferson Drive
Charlotte, NC 28270

J. MORGAN DOWDY
SEYMOUR, MISSOURI
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J. MORGAN DOWDY
SEYMOUR, MISSOURI

DECLARATION

I declare, under penalty of perjury, that I have prepared the attached Engineering Exhibit for J. Morgan Dowdy, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief; and that I am a Registered Professional Engineer in the State of North Carolina.

Executed on August 17, 1995.

A handwritten signature in black ink, reading "William A. Culpepper", written over a horizontal line.

William A. Culpepper
900 Jefferson Drive
Charlotte, NC 28270
704-365-9995

J. MORGAN DOWDY

SEYMOUR, MISSOURI

NARRATIVE

This exhibit supports the attached counter proposal of J. Morgan Dowdy to allot channel 228A to Seymour, Missouri. This proposal is mutually exclusive with the pending petition-for-rule making of Dale Hendrix (RM-8645) to allot channel 228C3 to Lakeview, Arkansas.

Page 4 is a tabulation for channel 228A from the proposed reference point to known facilities, authorizations, applications and proposals on the cochannel, the first, second, third, fifty-third and fifty-fourth adjacent channel. The reference point is 37° 03' 00 north latitude and 92° 46' 30" west longitude. This point is 10.97 kilometers at 184 degrees from the center of Seymour, in order to clear KYLC at Osage Beach, Missouri. Figure 1 shows that the 70 dBu contour of a class A facility at this reference site goes beyond the town of Seymour. A preclusion study shows that \$73.207 and \$73.315 can be met over a large enough area to provide reasonable assurance that a suitable transmitter site will be available.

The proposed reference point is short-spaced to the C3 allotment coordinates at Osage Beach, Missouri; however, no facility has been constructed, and the coordinates are only a preferred site, which can be moved to 38° 19' 57" north and 92° 46' 24" west. This new reference would provides adequate clearance to this Seymour proposal, and it will permit a city-

J. MORGAN DOWDY

SEYMOUR, MISSOURI

NARRATIVE... (CONTINUED)

grade signal over Osage Beach. Figure 2 shows Osage Beach and the 70 dBu contour provided by a class C3 facility at the above coordinates.

This proposal will provide a first local service to Seymour, Missouri, which is an incorporated town with a 1990 population of 1636. A class A facility at the reference coordinates will provide 60 dBu service to 23,202 people. Lakeview, Arkansas has a population of 485.

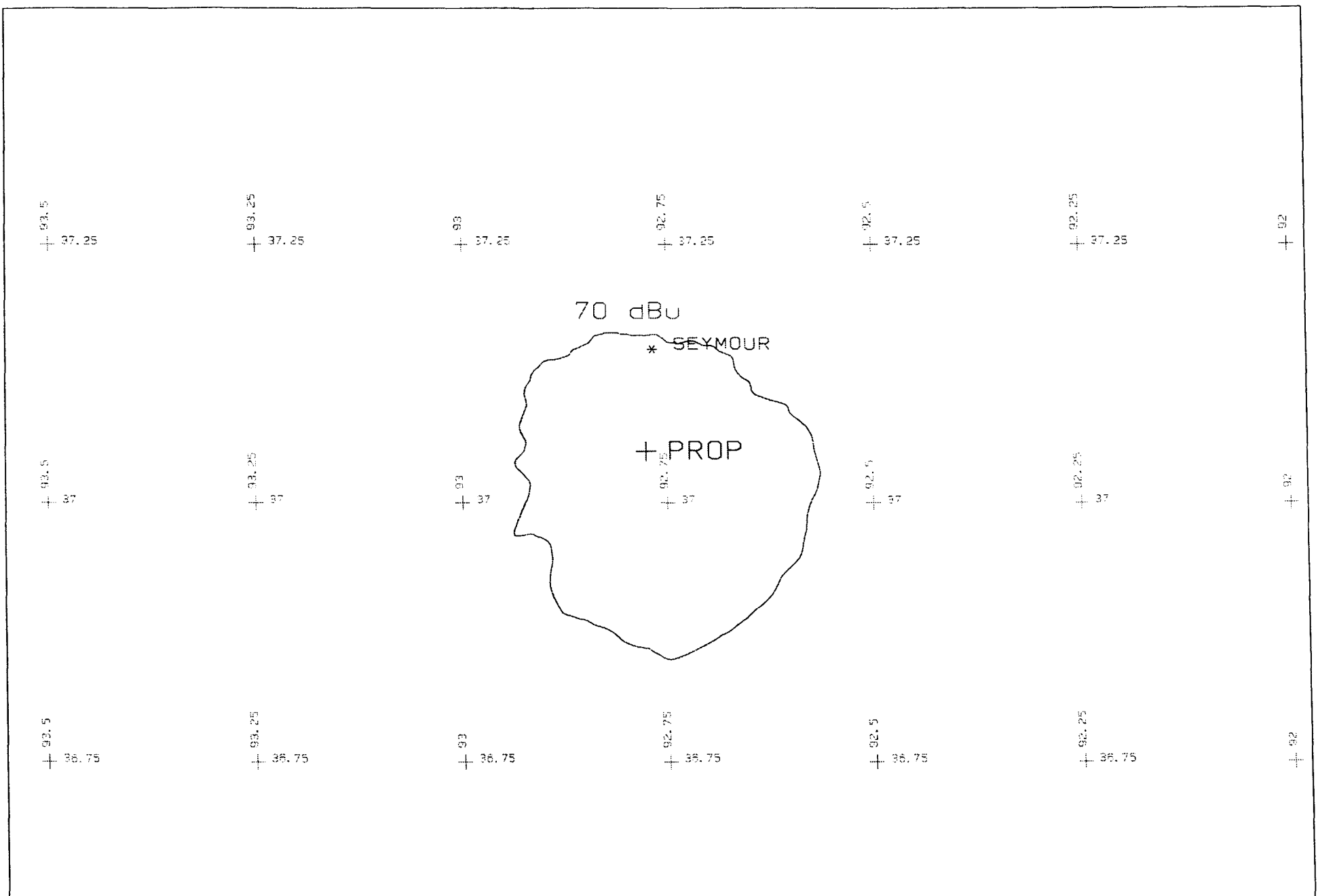
Neither of the above proposals will provide first, second, third, fourth or fifth service to any population.

WILLIAM CULPEPPER & ASSOCIATES
900 JEFFERSON DR - CHARLOTTE NC 28270

J. MORGAN DOWDY
SEYMOUR, MISSOURI

REFERENCE	CLASS A	DISPLAY DATES
37 03 00 N		DATA 06-08-95
92 46 30 W	Current rules spacings	SEARCH 08-19-95
----- CHANNEL 228 - 93.5 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AD228	228C3	Lakeview	AR	165.5	71.74	142.0	-70.26 *
ALOPEN	228C3	Osage Beach	MO	7.4	139.05	142.0	-2.95 *
KSPQ	230C1	West Plains	MO	93.8	77.44	75.0	2.44 <
KTTG.C	225C2	Ozark	MO	261.7	58.63	55.0	3.63
KYLC	228A	Osage Beach	MO	4.1	119.59	115.0	4.59
KJEM.C	227C1	Seligman	MO	242.6	140.63	133.0	7.63
KJEM	227C2	Seligman	MO	242.6	140.63	106.0	34.63



SEYMOUR AND THE 70 dBu CONTOUR
FROM REFERENCE USING A CLASS A FACILITY

FIGURE 1
J. MORGAN DOWDY

The Missouri Advantage



Community Profile

Seymour, Missouri
Webster County

Missouri Department of Economic Development

February 1994

Population

	1990	1980	1970
City	1,636	1,535	1,208
County(1)	23,753	20,414	15,562
(2)			

Assessed value of city property \$ 6,591,131

Basic property tax levy for latest year
(per \$100 assessed value): City \$.560
County (1) \$.480
(2) \$
State \$.030
School \$ 2.000
Jr. College \$
Other* \$
Total (1) \$ 2.990
(2) \$

Sales tax:

City \$.008
State \$.042
County (1) \$.010
County (2) \$
Total (1) \$.060
Total (2) \$

* Includes items such as library, ambulance, road district, etc.

Economic Development:

Group: SEYMOUR INDUSTRIAL DEV AUTHORITY

Contact person:

CARIN YATES, CITY CLERK

Street: 114 E WASHINGTON

City: SEYMOUR ST: MO Zip: 65746

Phone number: (417) 935 - 4401

Chamber of Commerce: Y/N Y

Full-time manager: Y/N N

Phone number: (417) 935 - 4401

All Missouri Certified City: Y/N N

Enterprise zone: Y/N N

Missouri Community

Betterment participant: Y/N N

Missouri Senate District:	<u>33</u>		
Missouri House District:	<u>140</u>		
U.S. Congressional District:	<u>4TH</u>		

Type of local govt.: MAYOR-COUNCIL

Name of City Administrator:

JIMMY CRISP

Name of Mayor: JIMMY CRISP

Comprehensive City Plan: Y/N Y

Zoning: Y/N City: Y County (1): N (2):

Subdivision ordinance with design standards: Y/N N

City engineer employed: Y/N

Industrial Development Authority with bonding
capacity: Y/N City: Y County (1): N (2):

No. of fire department personnel: Full-time 1
Volunteer 12

Fire insurance rating: In city 7
Outside city 8

No. of full-time policemen: City 4
County (1) 26
(2)

Garbage service provided: Y/N
Public: Private: Y None:

Available capacity of public landfill: (in years)

Financial:	Number	Assets
Banks	<u>1</u>	\$ <u>49,385,000,000</u>
Savings & Loan Assoc.	<u></u>	\$ <u></u>

Communications:

Telephone service co.: GTE

No. of newspapers: Daily 1
Weekly 2

No. of radio stations: 20

No. of TV channels received: 5

Cable TV serves city: Y/N Y

Post office classification: 2

Industrial:

No. of machine shops within 30 miles: 15

No. of tool & die services within 30 miles: 3

No. of electric motor repair services
within 30 miles: 3

Other services:

Community Facilities:

No. of hotels/motels: 1

Capacity of largest banquet room: 250

No. of churches in city: Synagogue
Protestant 11

Catholic

Other

No. of shopping centers: 3

No. of public libraries: 1

Rail:

Railroad(s) serving community:

BURLINGTON NORTHERN

No. of freight stops per day: _____

Freight stops on demand: Y/N Y

Distance to nearest piggy back service: 35

Air: Distance to nearest public airport: 35

Name: SPRINGFIELD REGIONAL AIRPORT

Longest runway: 7,000

Surface: Y/N _____ Unpaved: _____ Paved: Y

Runway lighted: Y/N Y

Private aircraft storage available: Y/N Y

Aircraft maintenance available: Y/Y Y

Fuel available: Y/N Y

Nearest commercial air transportation: 35

Airport serving community: City SPRINGFIELD

Name: SPRINGFIELD REGIONAL AIRPORT

Nearest air freight service: 35

Barge: Adjoining navigable river: _____

Barge dock available: Y/N _____

Public N Private _____

Channel depth: _____ Length of season: _____

Distance to nearest barge service: _____

Days to/from New Orleans port: To _____ From _____

Motor Carrier:

Package delivery service: Y/N Y

Highway bus service available: Y/N Y

No. of highways serving city: Interstate _____
US 1 MO 1

Distance to nearest interstate interchange: 20

Distance to nearest 4 lane highway: 1

Motor freight carriers:

UNITED PARCEL SERVICE

LUNA

YELLOW FREIGHT

HANSFIELD EXPRESS

Distance to major metropolitan areas: Days by Days by

City	Miles	Railroad	Motor Freight
Atlanta	645	3	3
Boston	1,353		
Chicago	501	3	1
Dallas	460	3	1
Denver	782	2	2
Detroit	725		
Indianapolis	447		
Kansas City	215	0	0
Los Angeles	1,675	7	4
Memphis	255	0	0
Minneapolis/St. Paul	597	3	3
New Orleans	686	3	2
New York	1,176	4	4
St. Louis	213	0	0
Seattle	2,000		

0 = overnight/same day

Public Schools: Classification AAA

Type	Number	Teachers	Enrollment
Elementary	1	26	482
Junior High	1		
High School	1	25	347

Area vocational school(s) utilized:

MOUNTAIN GROVE VO TECH

Area public colleges or universities:

SOUTHWEST MO STATE UNIVERSITY

DRURY EVANGEL COLLEGE

OF THE OZARKS

OZARK TECHNICAL COLLEGE

Private schools:

Type	Number	Teachers	Enrollment
Elementary	1	3	35
High School			

Area private colleges or universities:

BAPTIST BIBLE COLLEGE, CENTRAL

BIBLE COLLEGE, BURGE SCHOO OF

NURSING, ST. JOHNS SCHOOL OF

NURSING, SOUTHWEST BAPTIST

No. of recreational facilities in city or within 10 miles:

Public swimming pools _____

Public tennis courts 2

Public parks 3

Public golf courses _____

Public handball/racquetball courts _____

Country clubs _____

YMCA/YWCA _____

Nearest public access lake or river: _____

Activities allowed: Y/N _____ Swimming: Y

Fishing: Y

Motor boating: Y

Water Skiing: Y

Hiking/fitness/nature trails: Y

Camping: Y

Other facilities or special features:

BRANDON AREA AND LAKES, (BULL

SHOALS, TABLE ROCK, TANEY

COND, NORFORK, LAKE OF THE

OZARKS, STOCKTON, POMME DE

TERRE) ALL WITHIN 1 1/2 HOUR

DRIVE

Water:Supplied by: Y/N Municipal: Y Private: NName of Supplier: CITY OF SEYMOURStreet address: 114 E WASHINGTONCity: SEYMOUR ST: MO Zip: 65746

For rate information contact:

CITY CLERKPhone: (417) 935 - 4401Source of city water: 2 DEEP WELLSCapacity of plant: 864,000 Gallons/DayAverage consumption: 167,000 Gallons/DayPeak consumption: 250,000 Gallons/DayStorage capacity: 275,000 Gallons**Sanitation:**Type of plant: EXTENDED AERATIONName of supplier: CITY OF SEYMOURStreet address: 114 E WASHINGTONCity: SEYMOUR ST: MO Zip: 65746

For rate information contact:

CITY CLERKPhone: (417) 935 - 4401Capacity of plant: 250,000 Gallons/DayPresent load of plant: 160,000 Gallons/DaySewer use charge: Y/N Y**Electricity:**Supplier: Municipal: Y Private: Co-op: Name of company: CITY OF SEYMOURStreet address: 114 E WASHINGTONCity: SEYMOUR ST: MO Zip: 65746

For rate information contact:

CITY CLERKPhone: (417) 935 - 4401Name of co-op: SHO-NE POWERStreet address: PO BOX DCity: MARSHFIELD ST: MO Zip: 65746

For rate information contact:

GENERAL MANAGERPhone: (417) 468 - 2615**Natural Gas:**Serves city: Y/N NNew hookups available: Y/N NAME OF SUPPLIER: Street address: City: ST: Zip:

For rate information contact:

Phone: () -**Other Fuel Distributors:**FUEL OIL: SUPREME OIL COPHONE: (417) 468 - 6000COAL: PHONE: () -LP GAS: SYNERGY 935-4815PHONE: () -No. of hospitals: No. of beds: If no hospital, distance to nearest facility: 25Clinic in community: Y/N Y

Medical personnel:

Medical Doctor(s) 1Osteopath(s) 1Chiropractor(s) 1Dentist(s) 1Optometrist(s) Veterinarian(s) 1Nurses: Registered Practical **Temperature:**

Coldest month:

JANUARY

F C

Average maximum temperature: 41 5Average minimum temperature: 24 4

Hottest month:

JULY

F C

Average maximum temperature: 85 29Average minimum temperature: 67 19**Precipitation:**

Driest month:

JANUARYNormal: 1.9 In

Wettest month:

MAYNormal: 5.2 InAnnual average: Rain 41.0 In

**** Labor ****

	County (1)	(2)	MSA
	<u>225</u>	<u> </u>	<u> </u>
Name:	<u>WEBSTER</u>	<u> </u>	<u> </u>
Civilian labor force:*	<u>11,019</u>	<u> </u>	<u> </u>
Total employment:	<u>10,281</u>	<u> </u>	<u> </u>
Unemployed:	<u>738</u>	<u> </u>	<u> </u>
Unemployed as % of work force (annual average):	<u>6.7</u>	<u> </u>	<u> </u>
Manufacturing average wage:	<u>\$291.60</u>	<u> </u>	<u> </u>
Nonmanufacturing average wage:	<u>\$232.40</u>	<u> </u>	<u> </u>

*Formularized monthly estimate - Missouri Division of Employment Security

Major Employers

Name	Product/Service	Total Employees	Union
LEE COMPANY	CLOTHING MANUFACTURING	340	Y
HUTCHENS INDUSTRIES	STEEL FABRICATION	310	N
SEYMOUR SCHOOLS	SCHOOL SYSTEM	91	
GLENWOOD HEALTHCARE	NURSING HOME	50	N
HEAD ORCHARD	APPLES & PEACHES	55	N
RANEYS SUPERMARKET	SUPERMARKET	30	Y
CITY OF SEYMOUR	MUNICIPALITY	18	N
COUNTY OUTLET	RETAIL/WHOLESALE/MANUFACTURING	17	N
P & R MARKETING	TELEMARKETING	15	N
ALLMON SAW MILL	SAW MILL	16	N
INDEPENDENT STAVE CO.	STAVE MILL	15	N

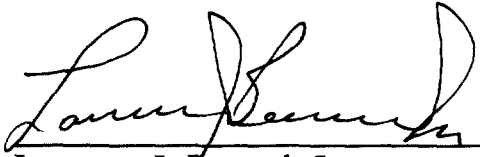
Return Address: DEPARTMENT OF ECONOMIC DEVELOPMENT
 Research and Planning
 P.O. Box 118
 Jefferson City, MO 65102

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of August, 1995 caused to be served copies, by U.S. mail, postage prepaid, of Comments and Counterproposal of J. Morgan Dowdy to the following:

William J. Pennington, III, Esq.
5519 Rockingham Road East
Greensboro, NC 27407

Radio Station KYLC
c/o KRMS/KYLC Inc.
P.O. Box 4584
Springfield, MO 65808


Lawrence J. Bernard, Jr.